REMARKS

Favorable reconsideration of this application is requested in view of the above amendments and the following remarks.

Claim 1 has been amended and is supported by, for example, page 16, line 25 to page 18, line 2 of the specification and FIGs. 8 and 9. Claims 17 and 18 are supported by original claim 1 and the specification at, for example, page 12, lines 14-18 and FIGs. 5A and 5B. No new matter is added.

Obviousness Rejections

Claims 1-10 and 14-16 have been rejected under 35 U.S.C. 103(a) as being unpatentable over McNeely (U.S. 6,615,856) in view of Kellogg et al. (U.S. 6,632,399). Applicant respectfully traverses this rejection.

Claim 1 is directed to an analytical tool with first and second seal films that are openable by needle insertion.

The rejection equates the McNeely air ducts 28, 29, 30, 31, 32, 33 (col. 5, line 66 to col. 6, line 28 and Figs. 2A and 2B) with the claimed first and second seal films. It is clear that these are in fact air ducts and not seal films. When closed, the external valves 53, 54, 55 (Figs. 3A, 3B and 3C) of McNeely seal the air ducts 50, 51, 52. However, these valves 53, 54, 55 are not openable by needle insertion. The valves 53, 54, 55 are mechanical-type valves that are opened by rotation of the valve as shown by the valve 54 in Figs. 3A and 3B, where in Fig. 3A, the valve is in the "off" position (col. 6, line 18-19) and in Fig. 3B, the valve 54 is shown in the "on" position (lines 30-31). Therefore, McNeely fails to teach or suggest a seal film openable by needle insertion as disclosed claim 1.

Kellogg discloses that "(b)y varying the intersection shapes, materials and cross-sectional areas of the components . . . valves are fashioned that require the application of a particular pressure on the fluid to induce fluid flow" (col. 7, lines 27-32). Valves are thus formed by varying capillary cross-sectional dimensions as well as the positions and radial direction of the fluid handling components (col. 7, lines 36-39). Kellogg fails to

teach or suggest the claimed first seal film or second seal film and the deficiencies of McNeely are not remedied by Kellogg and the rejection should be withdrawn.

In addition, McNeely fails to teach or suggest the claimed "separation film" as noted in the rejection on page 3.

Kellogg discloses a matrix or filter 606 which the rejection erroneously equates with the claimed "separation film". The matrix or filter 606 is a bulk porous material surrounding the depression 613 inside the cell separation chamber 607 (col. 24, lines 53-59). Therefore, it is improper to regard such a bulk body as a film. Thus, even if combined, the references would not produce the feature of claim 1 and the rejection should be withdrawn.

Claims 2-10 and 14-16 are allowable at least by virtue of their dependence on independent claim 1 or intervening dependent claims. The rejections of these claims should be withdrawn. Applicant does not concede the correctness of the rejections.

New Claims

New independent claims 17 and 18 are similar to original claim 1 but set forth an additional feature wherein the sample liquid is caused to move gravitationally through the separation film in a thickness direction of the separation film for filtration. This feature is supported by, for example, page 12, lines 14-18 and FIGs. 5A and 5B as to the positional relationship between the separation film 8 and the liquid receiving portion 50. Further, in comparing these new claims to Kellogg, it should be noted that the positional relationship between various elements in Figs. 8A-8E are shown side down. This is clear from the description "leaving red blood cells and other cellular components trapped beneath filter 606 in depression 613" (col. 24, lines 63-65). Therefore, rotation-induced pressure is needed to cause the blood to flow through the filter (col. 24, lines 61-63), as opposed to the feature of claims 17 and 18 which requires a separation film that allows a sample liquid to move gravitationally therethrough. Applicants request that new claims 17 and 18 be entered and be allowable.

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

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Dated: November 12, 2009

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